

1 UNITED STATES DISTRICT COURT
2 WESTERN DISTRICT OF WASHINGTON

3 THE UNITED STATES OF AMERICA,)
4 Plaintiff,) No. CR 06-157 MJP
5 vs.)
6 HENRY ROSENEAU,)
7 Defendant.)
8 _____)

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11
12 VERBATIM TRANSCRIPT OF PROCEEDINGS

13 OF

14 RECORDED TELEPHONE CONVERSATIONS FROM FDC SEA-TAC

15 4/22/2012, 4/26/2012, 4/28/2012 & 5/2/2012

16 (4/22/2012 has been corrected to properly identify the speakers.

17 They were reversed)

18
19 Transcribed from electronic sound recording

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23 Requested by Katie McElroy

24
25 Transcribed by Brian Killgore

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(Proceedings of 4/22/2012)

(Start of telephone call #1 @ 8:39 to Paddy Roberts)

(Sound of telephone ringing)

UNIDENTIFIED WOMAN: Hello?

DEFENDANT ROSENAU: Oh, hi, is Paddy in?

UNIDENTIFIED WOMAN: Yeah, can you hold on for a second?

Can I ask who is calling?

DEFENDANT ROSENAU: Henry.

UNIDENTIFIED WOMAN: Henry?

DEFENDANT ROSENAU: Henry.

UNIDENTIFIED WOMAN: Okay, hang on.

(Brief pause in proceedings)

MR. ROBERTS: Hello?

DEFENDANT ROSENEAU: Oh, hello.

MR. ROBERTS: How is she going?

MR. ROSENEAU: Oh, good.

Hey, they have recorded every single conversation and --

MR. ROBERTS: Yeah, so?

DEFENDANT ROSENEAU: Anyways, I don't know -- I got a message but nobody really said what anything was about. It just said that you might be able to help me with

1 something.

2 MR. ROBERTS: Yeah, I have to file a document in
3 court tomorrow.

4 DEFENDANT ROSENEAU: Well, anything legal is
5 totally legal.

6 MR. ROBERTS: It is perfectly legal, yeah.

7 DEFENDANT ROSENEAU: Because this has come up in
8 court here about this ironclad thing that has been done
9 against what's his face?

10 It is totally legal, and it has come up in court
11 several times.

12 MR. ROBERTS: It is perfectly legal.

13 DEFENDANT ROSENEAU: Okay.

14 And I guess you know there is a video (phonetic) next
15 Thursday?

16 MR. ROBERTS: Yes. Yeah.

17 DEFENDANT ROSENEAU: You know about that? Okay.

18 MR. ROBERTS: Well, I am going to stay away from
19 that, so --

20 DEFENDANT ROSENEAU: Okay.

21 MR. ROBERTS: Yeah, I just need to be able to
22 attach your signature to this thing.

23 DEFENDANT ROSENEAU: Oh, well, you have signing
24 authority.

25 MR. ROBERTS: Hey?

1 DEFENDANT ROSENEAU: You have signing authority
2 and if it is totally legal, yeah.

3 MR. ROBERTS: Yeah, it is, yeah, perfectly legal.

4 DEFENDANT ROSENEAU: Okay. Uhm -- Yeah

5 MR. ROBERTS: And I talked to Gary about it, as
6 well.

7 DEFENDANT ROSENEAU: Okay.

8 MR. ROBERTS: Yeah.

9 DEFENDANT ROSENEAU: Yeah, I would like to have
10 called you more, but I just can't, and -- because I -- but
11 anyways, I am here now.

12 MR. ROBERTS: I would think this will make quite a
13 difference.

14 DEFENDANT ROSENEAU: Oh, okay.

15 Well I am -- yeah. Well, that's good, because boy,
16 they are just going -- they are just doing everything in
17 their power here.

18 MR. ROBERTS: Is anything going good?

19 DEFENDANT ROSENEAU: I don't know. I guess so.

20 MR. ROBERTS: Yeah.

21 DEFENDANT ROSENEAU: They still didn't have
22 Karcher (phonetic) -- they still didn't have the go-ahead on
23 him yet, but I don't know, that was Friday --

24 MR. ROBERTS: Well, they are not going to, because
25 this paper is going to involve him.

1 DEFENDANT ROSENEAU: Oh.

2 MR. ROBERTS: Yeah.

3 And this other guy can't legally appear at this
4 hearing, because the hearing is in the United States.

5 The courtroom is temporarily deemed to be in the United
6 States, even though it is in Canada.

7 DEFENDANT ROSENEAU: I know, that was brought up
8 here, but the judge just kind of ignored it.

9 MR. ROBERTS: Yeah.

10 DEFENDANT ROSENEAU: But anyways -- yeah.

11 MR. ROBERTS: Yeah.

12 Okay, no, I didn't want to -- I know I had authority in
13 the other case with Welpley, but this is a different thing.

14 DEFENDANT ROSENEAU: Okay, well that's good.

15 MR. ROBERTS: So I am not signing on your behalf.
16 I have got that scanned signature. I am going to put it on.

17 DEFENDANT ROSENEAU: Oh. Okay.

18 MR. ROBERTS: Okay.

19 DEFENDANT ROSENEAU: Yeah.

20 MR. ROBERTS: Well you sound good, anyways.

21 DEFENDANT ROSENEAU: Jury selection here come
22 Monday.

23 MR. ROBERTS: Yeah.

24 Okay, well, I think that will work out fine, so.

25 DEFENDANT ROSENEAU: I don't know if they have got

1 anything or not. I think they are -- I think that --

2 MR. ROBERTS: Well, you know, you have to remember
3 that Welpley isn't going there voluntarily.

4 DEFENDANT ROSENEAU: Well I think they must be
5 dragging him down there.

6 MR. ROBERTS: Well, he is. They have got an order
7 that he has to go.

8 DEFENDANT ROSENEAU: But we have a court order --
9 anyways, yeah, okay.

10 MR. ROBERTS: Yeah. Yep.

11 Well if Craig is wise --

12 DEFENDANT ROSENEAU: Oh, yeah, he --

13 MR. ROBERTS: -- he will bring it up in front of
14 the Court, that the courtroom is being used for a purpose
15 that is forbidden by that very court.

16 DEFENDANT ROSENEAU: Yeah.

17 Yeah. No, he knows all about that.

18 MR. ROBERTS: All right.

19 Okay, sounds good. I wish I could go down there, but
20 it is best if I don't.

21 DEFENDANT ROSENEAU: Oh, I wouldn't come near the
22 place.

23 MR. ROBERTS: Yeah, no, I am not, no.

24 DEFENDANT ROSENEAU: (Laughter).

25 MR. ROBERTS: Okay, well, you sound great.

1 DEFENDANT ROSENEAU: Well, they would have put me
2 away for life here, and that is not a very nice feeling.

3 MR. ROBERTS: Yeah.

4 DEFENDANT ROSENEAU: They haven't offered me
5 anything that is decent at all.

6 MR. ROBERTS: Oh, yeah.

7 No, don't worry. This thing here is going to make a
8 difference in the long run, so --

9 DEFENDANT ROSENEAY: Okay.

10 MR. ROBERTS: -- and in the short run, too.

11 DEFENDANT ROSENEAU: Okay.

12 MR. ROBERTS: Because your woman there, that
13 fucking lying --

14 ELECTRONIC VOICE: This call is from a prison.

15 DEFENDANT ROSENEAU: My what?

16 MR. ROBERTS: That woman will -- that woman
17 will -- she will be served with it on Wednesday or Thursday
18 when Judy gets down.

19 DEFENDANT ROSENEAU: Oh.

20 Oh, okay, well as long as -- as long as you have got --
21 because I haven't heard nothing about it. As long as --

22 MR. ROBERTS: Yeah.

23 Okay.

24 DEFENDANT ROSENEAU: Yeah. Well, she will be here
25 Thursday.

1 MR. ROBERTS: Yes, she will, yeah.

2 DEFENDANT ROSENEAU: But Craig won't be here.

3 MR. ROBERTS: No, I know. That's fine.

4 DEFENDANT ROSENEAU: Yeah.

5 MR. ROBERTS: Well neither will she, because your
6 woman is going to be up here.

7 DEFENDANT ROSENEAU: Oh.

8 MR. ROBERTS: Yeah, they are at the hearing up
9 here, eh?

10 DEFENDANT ROSENEAU: Who is?

11 MR. ROBERTS: Both lawyers.

12 DEFENDANT ROSENEAU: Oh, up in Canada?

13 MR. ROBERTS: Yeah.

14 DEFENDANT ROSENEAU: Oh, yeah.

15 MR. ROBERTS: Yeah.

16 DEFENDANT ROSENEAU: Well, as long as you got --
17 as long as you know -- as long as you get cooperation there,
18 yeah.

19 MR. ROBERTS: Yeah.

20 DEFENDANT ROSENEAU: Okay.

21 Okay, well I have already --

22 MR. ROBERTS: And Karcher will be served on
23 Tuesday.

24 DEFENDANT ROSENEAU: Okay.

25 MR. ROBERTS: Okay.

1 DEFENDANT ROSENEAU: Okay, well nice talking to
2 you, man.

3 MR. ROBERTS: Nice talking to you, honey.

4 DEFENDANT ROSENEAU: And I sure hope to see you
5 again someday.

6 MR. ROBERTS: You will, yeah. Okay.

7 DEFENDANT ROSENEAU: Say hi to your Mrs. I did
8 say hi, but not -- she didn't know who it was.

9 MR. ROBERTS: Yeah.

10 DEFENDANT ROSENEAU: Nice talking to you.

11 MR. ROBERTS: Okay. Bye.

12 DEFENDANT ROSENEAU: Bye.

13 (End of telephone call #1)

14 (Start of telephone call #2 @ 12:27 placed to Jaclyn Gagnon)

15 (Sound of telephone ringing)

16 MS. GAGNON: Hello?

17 DEFENDANT ROSENAU: Oh, hi -- hi, hi, hi.

18 MS. GAGNON: Oh, hi.

19 DEFENDANT ROSENAU: Yeah.

20 What's he want to do? You don't have to --

21 MS. GAGNON: Oh, I shouldn't say it over here. I
22 thought you talked to him last night?

23 DEFENDANT ROSENAU: Well, I did, but you know, it
24 is all -- if it is legal, it's no -- I guess they pretty
25 much what to charge him with something, or do something? Is

1 that what he wants to do?

2 MS. GAGNON: Not him.

3 DEFENDANT ROSENAU: No, I know, it is somebody
4 else, yeah.

5 MS. GAGNON: Somebody else.

6 DEFENDANT ROSENAU: Yeah.

7 MS. GAGNON: Sue.

8 DEFENDANT ROSENAU: Yeah?

9 MS. GAGNON: Wants to sue.

10 DEFENDANT ROSENAU: Yeah. Well, what is wrong
11 with that?

12 MS. GAGNON: It's a really bad time. It will stop
13 your trial.

14 DEFENDANT ROSENAU: No, it won't.

15 MS. GAGNON: It sure will.

16 DEFENDANT ROSENAU: No, it won't. No, it won't.
17 It has got nothing to do with it.

18 MS. GAGNON: It does.

19 DEFENDANT ROSENAU: It won't -- No, I don't even
20 know if he has got permission to come down here, anyway.

21 MS. GAGNON: That has nothing to do with him, what
22 Paddy is trying to do. Paddy is -- that is not what he is
23 trying to do. He is not trying to sue him.

24 DEFENDANT ROSENAU: Oh, well the whole outfit?
25 What is wrong with that?

1 MS. GAGNON: Because then --

2 DEFENDANT ROSENAU: No, it doesn't make any
3 difference.

4 MS. GAGNON: Then you will need then --

5 DEFENDANT ROSENAU: No, it doesn't. It won't make
6 no difference.

7 MS. GAGNON: Anyway, Gary Bodding (phonetic) did
8 not give the okay to do all of that.

9 DEFENDANT ROSENAU: Oh, did you talk to him?

10 MS. GAGNON: No, but when Paddy first phoned me,
11 he said that "Gary doesn't want me to go after everyone, but
12 I think we should." That is exactly what Paddy told me.
13 And then --

14 DEFENDANT ROSENAU: Why shouldn't we sue them,
15 they did me wrong?

16 MS. GAGNON: I know they did, but now is not the
17 time, because your trial will stall.

18 DEFENDANT ROSENAU: You know what?

19 MS. GAGNON: What?

20 DEFENDANT ROSENAU: If they win, I will be gone
21 for 20 years.

22 MS. GAGNON: Yeah, I know, but don't you think I
23 should talk to Craig about this? Or you should talk to
24 Craig about --

25 DEFENDANT ROSENAU: He can't get involved with

1 anything in Canada. Because --

2 MS. GAGNON: No?

3 DEFENDANT ROSENAU: No, he can't, because he is
4 not allowed to.

5 MS. GAGNON: Well I wish Gary was available, but
6 apparently he is in the Canary Islands or something --
7 because Gary didn't think what Paddy was -- yeah.

8 DEFENDANT ROSENAU: Everything Paddy has done so
9 far has worked.

10 MS. GAGNON: Well, I don't know about that.

11 DEFENDANT ROSENAU: Yeah.

12 MS. GAGNON: You got locked up in there a week
13 early because of what Paddy did.

14 DEFENDANT ROSENAU: Well, yeah --

15 MS. GAGNON: And it didn't help any. All it did
16 was alert everybody to other things.

17 So I don't know. I don't think that now is the right
18 time, but --

19 DEFENDANT ROSENAU: Well, if I lose this, you will
20 never see me again.

21 MS. GAGNON: Yes, but I don't think -- it will
22 stall your trial.

23 DEFENDANT ROSENAU: No, it won't. It won't stall
24 my trial. It will not.

25 MS. GAGNON: Hmmm. I don't know. Paddy -- you

1 know, I asked Paddy if he thought that, you know, it
2 would -- they wouldn't be able to proceed on Monday if he
3 did this, and he said he wasn't sure. He didn't think so,
4 but he wasn't sure.

5 DEFENDANT ROSENAU: No, they probably won't. They
6 will have to let me go.

7 MS. GAGNON: They won't let you go.

8 DEFENDANT ROSENAU: They have to let me go if they
9 can't proceed.

10 MS. GAGNON: No, they will just get somebody else
11 to.

12 DEFENDANT ROSENAU: Well, there is nobody else.

13 MS. GAGNON: No, I don't mean to testify -- no,
14 no, no, I am not -- no. No, I know there is nobody else to
15 do that. I realize that.

16 If you really think that that is -- did you give him
17 the okay or?

18 DEFENDANT ROSENAU: Well, yeah, but I think --
19 don't you got to do the filing --

20 ELECTRONIC VOICE: This call is from a federal
21 prison.

22 DEFENDANT ROSENAU: Don't you have to file it on
23 the way down for him?

24 MS. GAGNON: I don't know. All he wanted me to do
25 was give him the 200 bucks so he could file it. I thought

1 that's what --

2 DEFENDANT ROSENAU: Oh, yeah.

3 MS. GAGNON: I --

4 DEFENDANT ROSENAU: No, he probably wants you guys
5 to file it on the way down.

6 MS. GAGNON: Yeah. No, I hadn't -- I hadn't
7 gotten a yes or a no from you, so I just told Paddy that you
8 didn't mention it, which you hadn't at that point, so -- so
9 if you gave him -- if you told --

10 DEFENDANT ROSENAU: Well, in court the other day
11 they were talking about legal stuff, and I have every right
12 to do anything legal, like that's not a -- that is not a
13 problem. They were talking about legal stuff, and it is not
14 a problem for me to do anything that I can do legally. It
15 is not a problem.

16 MS. GAGNON: I know, but the reason they are so
17 pissed off at you is because you fought --

18 DEFENDANT ROSENAU: Who is pissed off?

19 MS. GAGNON: Well, the -- no, no, no, the
20 prosecution.

21 The reason everybody thinks you are so guilty is
22 because you fought the extradition, which you were totally
23 within your rights to do, but they still view that as, "Oh,
24 gee, he must be guilty if he fought this. That is just how
25 they are looking at it.

1 DEFENDANT ROSENAU: You have no idea what they
2 think down here.

3 MS. GAGNON: Well --

4 DEFENDANT ROSENAU: Their whole thing is just a
5 big game to them.

6 MS. GAGNON: No, I know.

7 DEFENDANT ROSENAU: It is just a big game to them.
8 It has got nothing to do with that.

9 MS. GAGNON: Yeah.

10 DEFENDANT ROSENAU: If they don't have the tools
11 to work with, they can't proceed. It is that simple.

12 MS. GAGNON: No, I know.

13 So what --

14 DEFENDANT ROSENAU: So you take the tools away
15 that they have to work with.

16 MS. GAGNON: Okay, well if you think that is what
17 we should do, but what do we have to do? Where do we have
18 to file it? What do you mean, like?

19 DEFENDANT ROSENAU: Well, he will tell you.

20 MS. GAGNON: Oh, okay.

21 DEFENDANT ROSENAU: You have to do it on your way
22 down.

23 MS. GAGNON: Okay.

24 Okay, well, we will do that, then, if that is what you
25 figure.

1 DEFENDANT ROSENAU: Well, yeah, because look what
2 they have done to me?

3 MS. GAGNON: No, I know. They shouldn't have been
4 able to go this far, but --

5 DEFENDANT ROSENAU: Well they did it. I mean they
6 did it up there. It has all been done up there.

7 MS. GAGNON: Hmmm.

8 DEFENDANT ROSENAU: Yes. That is why I am here is
9 because some shit that was done there.

10 MS. GAGNON: No, I know.

11 DEFENDANT ROSENAU: And that's where the problem
12 is.

13 MS. GAGNON: But he is not just going after --

14 DEFENDANT ROSENAU: I know. It doesn't matter.
15 You can go after the whole damned bunch of them.

16 MS. GAGNON: Yeah.

17 DEFENDANT ROSENAU: And don't worry about making
18 anybody upset, because they don't care about stuff like
19 that. All they want to do is fill their jails down here.

20 MS. GAGNON: Yeah. No, I agree with that.

21 DEFENDANT ROSENAU: Oh, no, you wouldn't believe
22 it.

23 MS. GAGNON: Yeah, I do not -- not half the people
24 that you are stuck in there with have done anything wrong.

25 DEFENDANT ROSENAU: I have no idea about that.

1 MS. GAGNON: No, but my personal opinion.

2 DEFENDANT ROSENAU: No, I am in a battle here, and
3 we have got to fight it, and hardly anybody wins, and I
4 would like to win.

5 MS. GAGNON: Yeah.

6 DEFENDANT ROSENAU: Yeah. And I would do it --
7 what he wants -- and when you get there and they say, "Oh,
8 well, you can't file it because the paperwork isn't right,"
9 you just tell them to file it. Get his cell number so you
10 can phone him, because you make sure -- because -- yeah,
11 yeah.

12 MS. GAGNON: Okay.

13 DEFENDANT ROSENAU: That other stuff he did was
14 100 percent.

15 MS. GAGNON: Okay. I just didn't like that he had
16 said that Gary didn't want him to do everything all at once.

17 DEFENDANT ROSENAU: Well --

18 MS. GAGNON: But he did it anyway.

19 DEFENDANT ROSENAU: Yeah. Well, that's fine.

20 MS. GAGNON: Okay. All righty.

21 DEFENDANT ROSENAU: I won't be able to talk to you
22 much. I don't have many minutes left. I have used them all
23 up trying to phone Paddy and --

24 MS. GAGNON: Okay, well I will do what you want.

25 DEFENDANT ROSENAU: Yeah.

1 MS. GAGNON: And boy do I hope it is the right
2 thing.

3 DEFENDANT ROSENAU: Well, I don't mind if you
4 phone whoever you mentioned and talk to him about it, but
5 you have got to realize, you can't get involved, but you go
6 ahead and phone if you want. You know, you can talk about
7 whatever. Okay?

8 MS. GAGNON: Okay, well I know he is really busy.
9 He said he was --

10 DEFENDANT ROSENAU: Well, I know, but it is
11 important. Okay?

12 MS. GAGNON: Yeah, okay. Well, I will just phone
13 Paddy and talk to him, I guess.

14 DEFENDANT ROSENAU: Okay.
15 Love you very much.

16 MS. GAGNON: Love you, too.

17 All right, don't worry too much, then.

18 DEFENDANT ROSENAU: Well, I know.

19 MS. GAGNON: I know. Okay, love you.

20 (End of telephone call #2)

21 (Start of telephone call #3 to Paddy Roberts @ 19:46)

22 (Sound of telephone ringing)

23 UNIDENTIFIED WOMAN: Hello?

24 DEFENDANT ROSENAU: Oh, hi, is Paddy in?

25 UNIDENTIFIED WOMAN: Hello?

1 DEFENDANT ROSENAU: Hi. Hi, is Paddy in?

2 UNIDENTIFIED WOMAN: Yes, just a second, I will
3 get him for you.

4 DEFENDANT ROSENAU: Thank you.

5 UNIDENTIFIED WOMAN: Hang on. I just have to say
6 goodbye to someone on the other line.

7 DEFENDANT ROSENAU: Oh, I have only got five and I
8 am done, okay?

9 UNIDENTIFIED WOMAN: Okay, hang on.

10 (Brief pause)

11 UNIDENTIFIED WOMAN: I will get him for you.

12 MR. ROBERTS: Hello?

13 DEFENDANT ROSENAU: Oh, hi.

14 MR. ROBERTS: Hi.

15 DEFENDANT ROSENAU: I have only got about four
16 minutes and I am out of time for the month.

17 MR. ROBERTS: Okay.

18 DEFENDANT ROSENAU: But anyways, this is --
19 whatever is going on is going to be good, is it? I don't
20 know.

21 MR. ROBERTS: Well, the main thing is we don't
22 want to do any harm, so --

23 DEFENDANT ROSENAU: Yeah. We don't think so.
24 Gary doesn't think that it will.

25 DEFENDANT ROSENAU: Okay.

1 MR. ROBERTS: Basically -- well, I won't tell you
2 what it is, because they are listening, so --

3 DEFENDANT ROSENAU: Yeah.

4 MR. ROBERTS: But you can imagine what it is, so.

5 DEFENDANT ROSENAU: Oh, yeah, okay.

6 MR. ROBERTS: Yeah.

7 DEFENDANT ROSENAU: Yeah.

8 Well, yeah, because gee, they haven't been playing fair
9 at all of up there, have they?

10 MR. ROBERTS: Well, we don't know -- see, the
11 trouble with Craig and all of this trouble and this
12 animosity and everything is nobody knows what is going on.

13 DEFENDANT ROSENAU: Yeah, you can't talk about
14 Craig, either, because he is not allowed to have any -- any
15 influence in what goes on in Canada, either, you know?

16 MR. ROBERTS: Well, yeah, he doesn't, though.

17 DEFENDANT ROSENAU: No, I know. Yeah.

18 MR. ROBERTS: Yeah.

19 DEFENDANT ROSENAU: So what are they going -- like
20 I don't know how they even get away with this video. It is
21 unconstitutional, but they are --

22 MR. ROBERTS: Get away with what?

23 DEFENDANT ROSENAU: Video in Canada is
24 unconstitutional down here.

25 MR. ROBERTS: Is it?

1 DEFENDANT ROSENAU: Oh, yeah, it is against the
2 law. It has got Supreme Court written all over it.

3 MR. ROBERTS: Really?

4 DEFENDANT ROSENAU: Yeah.

5 MR. ROBERTS: Wow.

6 DEFENDANT ROSENAU: Yeah, it does.

7 MR. ROBERTS: Wow.

8 What do you hear about Karcher?

9 DEFENDANT ROSENAU: The last thing I heard on
10 Friday there at five o'clock, we were supposed to -- she was
11 supposed to know whether he was coming, and she said it was
12 in some kind of a sealed deal, and she didn't know if he was
13 coming or not, because Craig asked if he would come and --

14 MR. ROBERTS: Um-hum.

15 What else was Friday about?

16 DEFENDANT ROSENAU: Well, getting ready for jury,
17 and everything, and they said they don't really have any
18 evidence, just pictures of evidence, so far. So --

19 MR. ROBERTS: They don't have any evidence, just
20 pictures?

21 DEFENDANT ROSENAU: Yeah.

22 MR. ROBERTS: Really?

23 DEFENDANT ROSENAU: Just pictures, yeah. Well, I
24 mean like, you know, of all that shit they took out of the
25 helicopter, you know?

1 MR. ROBERTS: You see, what -- these documents we
2 are filing, I am going to send them down with Judy and
3 Jackie.

4 DEFENDANT ROSENAU: Yeah, but they're not going to
5 [UNINTELLIGIBLE].

6 MR. ROBERTS: No, they are going to Seattle.

7 DEFENDANT ROSENAU: Yeah.

8 MR. ROBERTS: So even though I am going to serve
9 the RCMP guy, Karcher --

10 DEFENDANT ROSENAU: Yeah?

11 MR. ROBERTS: -- on Tuesday, I am not going to
12 serve Susan Roe.

13 DEFENDANT ROSENAU: Okay.

14 MR. ROBERTS: Until maybe Craig has a look at it.

15 DEFENDANT ROSENAU: Okay.

16 MR. ROBERTS: The difficulty with that is if Craig
17 is playing for the other side, then he is going to say, "Oh,
18 no, no, no, don't serve that, don't serve that.

19 ELECTRONIC VOICE: This call is from a federal
20 prison.

21 DEFENDANT ROSENAU: Yeah, if I get cut off, it is
22 because I can't help it.

23 MR. ROBERTS: Yeah.

24 DEFENDANT ROSENAU: Okay.

25 I think I might play it that way, because she will

1 know -- on the other hand, I might have her served in
2 Kelowna.

3 DEFENDANT ROSENAU: Yeah. Well, she is going to
4 know now anyway.

5 MR. ROBERTS: Well, it is nothing -- I mean there
6 is nothing wrong with it.

7 DEFENDANT ROSENAU: Yeah.

8 MR. ROBERTS: What did they say about the order
9 against Welpley? Did the judge rule that was a legal order?

10 DEFENDANT ROSENAU: Oh, it is totally legal.

11 MR. ROBERTS: Yeah.

12 DEFENDANT ROSENAU: The only thing is it said --
13 it never said that he wasn't allowed to testify in Canada,
14 so that is why they let him do it there. But if it would
15 have said he wasn't allowed to testify in Canada, they
16 wouldn't even be doing that.

17 MR. ROBERTS: No, but the law is that he is
18 testifying in the United States.

19 DEFENDANT ROSENAU: No, he is not allowed to, no.
20 They know that is illegal. He can't come here.

21 MR. ROBERTS: Yeah, but the thing is, the act --
22 the act which puts that into place says that --

23 DEFENDANT ROSENAU: Oh, yeah, yeah, yeah. Oh,
24 yeah, well that's because he is going into an American
25 courtroom. Yeah, he's --

1 MR. ROBERTS: Even though he is in Canada, he is
2 in an American courtroom.

3 DEFENDANT ROSENAU: No, he can't do that, either.
4 They talked about that, but the judge kind of just
5 didn't say much.

6 That was -- all that was brought up.

7 MR. ROBERTS: Yeah.

8 (Beep sound)

9 DEFENDANT ROSENAU: Oh, they are going to cut me
10 off.

11 MR. ROBERTS: Okay.

12 DEFENDANT ROSENAU: Anyways, but -- yeah.

13 MR. ROBERTS: Okay. I think it is going to work
14 out fine.

15 DEFENDANT ROSENAU: Okay.

16 MR. ROBERTS: All right, Henry.

17 DEFENDANT ROSENAU: Okay.

18 MR. ROBERTS: All the best, bud. Bye.

19 (End of telephone call #3)

20 (End of calls for 4/22/2012)
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1 (Telephone call placed on 4/26/2012)

2 (Call placed to Paddy Roberts @ 17:46)

3 (Sound of telephone ringing)

4 MR. ROBERTS: Hello?

5 DEFENDANT ROSENAU: Oh, hi, how are you? Hi?

6 MR. ROBERTS: Hi.

7 DEFENDANT ROSENAU: El Ratto testified, did he?

8 MR. ROBERTS: I heard that.

9 DEFENDANT ROSENAU: I am thinking -- I guess -- I
10 guess now that he has testified, we can -- we can go ahead
11 with the lawsuit, then?

12 MR. ROBERTS: Yeah. Oh, yes -- yeah.

13 DEFENDANT ROSENAU: So --

14 MR. ROBERTS: The other thing is, from what I
15 understood, he never identified you in the courtroom.

16 DEFENDANT ROSENAU: Well yeah, no, he didn't.

17 MR. ROBERTS: Well that is the end of the case.

18 DEFENDANT ROSENAU: Well, he said he recognized my
19 voice.

20 MR. ROBERTS: Your voice? When did you talk?

21 DEFENDANT ROSENAU: Oh, I guess I coughed or
22 something, but anyway, he said, "I don't -- I don't
23 recognize him, but I recognize his voice."

24 MR. ROBERTS: And what did Craig say about that?

25 DEFENDANT ROSENAU: I don't know.

1 Anyways, this is all being recorded, anyway.

2 MR. ROBERTS: Yeah, that's fine, but -- I mean he
3 has to say you are the person.

4 DEFENDANT ROSENAU: Yeah, well he didn't.

5 Anyways, I don't know what -- I guess -- I will just --
6 I will just split this down the middle with you, whatever we
7 get -- off anybody.

8 MR. ROBERTS: Oh, well, no, no, I can't take
9 anything out of that, because then I would be -- end up
10 practicing law illegally.

11 DEFENDANT ROSENAU: Oh, I see. Okay.

12 MR. ROBERTS: Yeah. No, no, that is not -- and
13 there was nothing said about Susan Roe's fault.

14 What were these documents that caused such a furor
15 yesterday?

16 DEFENDANT ROSENAU: Well she got served -- she was
17 going to be -- she got what she was going to be served. She
18 wasn't served, but she got --

19 MR. ROBERTS: Yeah, no, I didn't serve her. I
20 wasn't going to serve her until after the case was over.

21 DEFENDANT ROSENAU: Yeah, well, she got -- she got
22 information ahead of time that she was going to be served.

23 MR. ROBERTS: And what did she say, and did she
24 say something in court, or?

25 DEFENDANT ROSENAU: Oh, yeah, she did.

1 MR. ROBERTS: What did she say?

2 DEFENDANT ROSENAU: She tried to blame it on my
3 lawyer, but my lawyer knows absolutely nothing about it.

4 MR. ROBERTS: And what did he say?

5 DEFENDANT ROSENAU: Well he said that he didn't
6 know nothing about it.

7 MR. ROBERTS: Well, he didn't.

8 DEFENDANT ROSENAU: No, I know.

9 MR. ROBERTS: And what did the judge say?

10 DEFENDANT ROSENAU: Well it caused quite a
11 commotion there for a while. The judge asked me if I was
12 trying to stop the case, and I said, "No, no, I wasn't," and
13 she also asked what I was going to sue Ms. Roe, and I said,
14 "Well, yeah, I was planning to, but not for a couple of
15 days," and she asked me if I was trying to stop the court
16 case, and I said no, I wasn't.

17 MR. ROBERTS: Well she has no right to ask you
18 that, the judge.

19 DEFENDANT ROSENAU: Well she didn't ask me under
20 oath.

21 She was going to put me up under oath, and then Craig
22 put a stop to it.

23 MR. ROBERTS: Was this in front of the jury, too?

24 DEFENDANT ROSENAU: No. No. No.

25 MR. ROBERTS: And did you see -- have you seen the

1 court case itself, the papers?

2 DEFENDANT ROSENAU: I managed to kind of read
3 through them, but they rushed us so fast that it was hard,
4 but yeah, it looked very impressive, and -- yeah.

5 MR. ROBERTS: Oh, so she's got [UNINTELLIGIBLE]?

6 DEFENDANT ROSENAU: Oh, yeah, and then everything
7 he witnessed today, or not everything he has witnessed, but
8 everything he said today had absolutely -- you know, she's
9 probably worse off now than what she was.

10 MR. ROBERTS: Well the -- if he didn't say -- you
11 know, you can talk about someone named Henry Rosenau and all
12 of that --

13 DEFENDANT ROSENAU: No, he didn't say anything.

14 MR. ROBERTS: -- but if he does not say "that
15 person sitting in the courtroom next to that man is the
16 person who brought me this marijuana," they can't convict
17 you.

18 DEFENDANT ROSENAU: Oh, no, he never did say that.

19 MR. ROBERTS: Really? So he just talked about
20 some guy who he thought his name was -- but I don't
21 understand how he could know your voice?

22 DEFENDANT ROSENAU: Well I guess the -- I don't
23 know.

24 MR. ROBERTS: Did Craig say anything about the
25 voice identification?

1 DEFENDANT ROSENAU: No.

2 It's not over yet, so I guess I probably shouldn't be
3 talking about it, I guess, too much.

4 MR. ROBERTS: Oh, no, it is fine to talk about it.
5 No, they can't convict you if he didn't identify you.

6 DEFENDANT ROSENAU: Well, he said he didn't
7 recognize me.

8 But anyways, it is against the Constitution down here,
9 the sixth amendment, to have video court, because you have a
10 right to face your accuser.

11 MR. ROBERTS: Yes.

12 DEFENDANT ROSENAU: And that was protested like,
13 oh, time and time --

14 MR. ROBERTS: And what did this judge say about --
15 what did this judge say about that?

16 DEFENDANT ROSENAU: Well, she just kind of ignored
17 it. She just kind of went ahead with it, anyway.

18 MR. ROBERTS: Yeah.

19 DEFENDANT ROSENAU: But it is grounds for appeal,
20 but how long do I got to sit here?

21 MR. ROBERTS: And Craig and Susan Roe were both
22 breaking the law in British Columbia, because they are not
23 allowed to practice law in British Columbia.

24 DEFENDANT ROSENAU: Apparently there were locked
25 doors. Nobody could get in. I guess once they were in,

1 they couldn't even get out.

2 MR. ROBERTS: Yeah. Yeah. Yeah, I know the
3 Kelowna newspaper was trying to get in and they have got a
4 copy of the lawsuit now.

5 DEFENDANT ROSENAU: Yeah, well, I guess we should
6 be adding to it little more, I guess.

7 MR. ROBERTS: Yeah. Yeah.

8 Okay, so when is this all supposed to be over with?

9 DEFENDANT ROSENAU: Well, I don't know, I have got
10 next week, Monday starting trial again, some more stuff.

11 MR. ROBERTS: Yeah? And is anybody testifying
12 from your side?

13 DEFENDANT ROSENAU: No --

14 MR. ROBERTS: No, you don't have to testify if he
15 didn't identify you.

16 DEFENDANT ROSENAU: Oh, yeah, I don't know.

17 MR. ROBERTS: Yeah.

18 Okay, how did Craig's -- how did the lawyer that was in
19 your courtroom think it went?

20 DEFENDANT ROSENAU: Oh, I don't know. I don't
21 know.

22 MR. ROBERTS: They don't talk to you?

23 DEFENDANT ROSENAU: Oh, yeah, yeah, but I don't
24 like to talk about it here on it anyway.

25 MR. ROBERTS: Right, okay.

1 DEFENDANT ROSENAU: Yeah. Because this very
2 conversation we are having right now could come out in court
3 before the end of my court.

4 MR. ROBERTS: Right, okay.

5 ELECTRONIC VOICE: This call is from a federal
6 prison.

7 DEFENDANT ROSENAU: They do this all the time
8 here.

9 MR. ROBERTS: Okay.

10 Yes, some recording just came on, so --

11 Okay, give me a call on Monday night, then.

12 DEFENDANT ROSENAU: They have recorded everything
13 I have said --

14 MR. ROBERTS: Yeah.

15 DEFENDANT ROSENAU: -- since -- every e-mail,
16 everything has been recorded.

17 MR. ROBERTS: Okay.

18 DEFENDANT ROSENAU: But anyways, no, I know they
19 are breaking the law. It is --

20 MR. ROBERTS: Craig never said anything about
21 Susan Roe's false paperwork in Canada?

22 DEFENDANT ROSENAU: Well it is not over yet,
23 though.

24 MR. ROBERTS: Yeah.

25 DEFENDANT ROSENAU: It is not over with yet.

1 MR. ROBERTS: Okay.

2 DEFENDANT ROSENAU: You know, and --

3 MR. ROBERTS: Call me on Monday night.

4 DEFENDANT ROSENAU: Yeah.

5 And Judy and Jaclyn are here?

6 MR. ROBERTS: Yeah, but no, I am talking to them
7 all the time.

8 DEFENDANT ROSENAU: Oh, you got her cell number?

9 MR. ROBERTS: I have been in complete contact with
10 them.

11 DEFENDANT ROSENAU: Yeah, well they know where I
12 am.

13 MR. ROBERTS: Yeah.

14 DEFENDANT ROSENAU: I am at the spa.

15 MR. ROBERTS: Okay.

16 DEFENDANT ROSENAU: Okay, well thanks, man.

17 MR. ROBERTS: All right.

18 (End of telephone call #4)

19 (End of calls for 4/26/2012)

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1 (Telephone call placed on 4/28/2012)

2 (Call placed to Paddy Roberts. Two excerpts from call only,
3 0:35 to 0:57, and 1:00 to 1:55)

4 DEFENDANT ROSENAU: Yeah, I suppose they -- yeah,
5 well, you have that luxury.

6 MR. ROBERTS: Yeah.

7 DEFENDANT ROSENAU: Okay, so yeah, I don't know, I
8 haven't -- I just wanted to know everything okay?
9 Everything is okay? Everybody been served?

10 MR. ROBERTS: Well, Catcher wasn't there -- yeah,
11 no, just a second.

12 (Mr. Roberts speaks someone sitting next to him)

13 MR. ROBERTS: Catcher I can't serve until Monday.

14 DEFENDANT ROSENAU: Oh, yeah.

15 MR. ROBERTS: And Susan Roe, I think now that your
16 daughter, what is her name? Jackie is not going to be
17 testifying?

18 DEFENDANT ROSENAU: Yeah?

19 MR. ROBERTS: I guess I am going to get her to
20 serve Susan Roe, probably on Monday, as well.

21 DEFENDANT ROSENAU: Oh, okay.

22 MR. ROBERTS: I wasn't going to serve -- anyways,
23 yeah, I wasn't going to serve Susan Roe until after this was
24 over?

25 DEFENDANT ROSENAU: Yeah?

1 MR. ROBERTS: But --

2 DEFENDANT ROSENAU: Well, she has already made a
3 big stink about it, anyways.

4 MR. ROBERTS: Well, down there she is a
5 prosecutor; up here she is a criminal.

6 DEFENDANT ROSENAU: Yeah.

7 MR. ROBERTS: You know? That is really what the
8 truth of it is. She is someone who has obstructed our
9 courts.

10 DEFENDANT ROSENAU: Yeah.

11 MR. ROBERTS: And you know, I mean to see, as a
12 Canadian, that she comes to justice in Canada.

13 DEFENDANT ROSENAU: Um-hum.

14 (End of requested excerpt)

15 (End of calls for 4/28/2012)

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1 (Telephone call placed on 5/2/2012 @ 18:46)

2 (Call to Jaclyn Gagnon. One excerpt only, 4:30
3 through 5:50)

4 DEFENDANT ROSENAU: Oh, yeah. He never phoned the
5 loose cannon, eh?

6 MS. GAGNON: He phoned. He phoned, but I was in
7 the bathtub, so Mum talked to him a bit.

8 DEFENDANT ROSENAU: Oh, yeah.

9 MS. GAGNON: He was just asking about this and
10 that, and this and that, and I don't know, just -- whatever.

11 DEFENDANT ROSENAU: Yeah.

12 MS. GAGNON: Whatever. It doesn't really matter.
13 I am sure glad I didn't file those papers, though.

14 DEFENDANT ROSENAU: Why?

15 MS. GAGNON: Because that wouldn't have helped.

16 DEFENDANT ROSENAU: Oh, probably not.

17 MS. GAGNON: Wouldn't have helped, it would have,
18 if anything, it would have made it worse.

19 DEFENDANT ROSENAU: Yeah. Well I guess she knows
20 she is not getting them now, eh?

21 MS. GAGNON: Yeah. Well, you know, Gary didn't --
22 no, Gary -- Gary did not want -- he said, "Don't touch it
23 with a 10 foot pole."

24 DEFENDANT ROSENAU: Oh, yeah.

25 MS. GAGNON: He also said, "Don't let Paddy know

1 that I don't like the idea. I am just being unbiased. I
2 can't offer opinions."

3 DEFENDANT ROSENAU: Okay. Yeah, okay.

4 MS. GAGNON: So don't tell Paddy that Gary
5 doesn't -- you know?

6 DEFENDANT ROSENAU: Yeah, I sort of tried --

7 MS. GAGNON: Just don't phone Paddy. Screw Paddy.
8 Leave Paddy out of the loop. Okay?

9 DEFENDANT ROSENAU: I sure hope you are taking me
10 home tomorrow sometime.

11 MS. GAGNON: Oh, boy, I sure hope so, too. That
12 is my plan.

13 DEFENDANT ROSENAU: God.

14 Well, I should try and phone Veronica, I guess.

15 MS. GAGNON: You want to talk to Mum for a minute?

16 DEFENDANT ROSENAU: Yeah.

17 MS. GAGNON: This phone is going to die soon,
18 so --

19 DEFENDANT ROSENAU: Okay, well --

20 MS. GAGNON: -- from now -- I am going to -- you
21 can talk to Mum now. You will probably get like 10 more
22 minutes out of it, but --

23 DEFENDANT ROSENAU: Oh, I won't have that much,
24 anyway.

25 MS. GAGNON: No, and then I am going to go -- I am

1 going to go plug it in for a couple of hours.

2 (End of requested excerpt, call #5)

3 (Start of call #6. 5/2/2012 @ 19:19 to Veronica)

4 (Begin excerpt at 6:03)

5 DEFENDANT ROSENAU: Yeah, and we never -- we never
6 gave that lawsuit to that prosecutor. We decided against
7 it.

8 VERONICA. Good. We don't want to do that,
9 anyway.

10 (End of requested excerpt)

11 (End of calls for 5/2/2012)

12 (End of transcript)

13 CERTIFICATE

14 I certify that the foregoing is a correct transcript from the
15 electronic sound recording of the proceedings in the above-
16 entitled matter.

17 /Brian J. Killgore/

June 8, 2012

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